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BILLINGS DIV.

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PATRICK E. DUFFY, CLERK

BY _____
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

REV. CALVIN WARREN,

Plaintiff,

vs.

FORMER PRESIDENT BILL
CLINTON, et. al.,

Defendants.

Cause No. CV-09-0065-BLG-RFC-CSO

RECOMMENDATION AND ORDER

This matter comes before the Court on Plaintiff Rev. Calvin Warren's Motion to Proceed in Forma Pauperis (*Court's Doc. No. 1*) and proposed Complaint. (*Court's Doc. No. 2*). Warren is proceeding pro se.¹

Permission to proceed in forma pauperis is discretionary with the Court. *See* 28 U.S.C. § 1915(a). Leave to proceed in forma pauperis

¹Plaintiff named Jillian Marthawn Blythe as an additional plaintiff in his Complaint. The Court does not allow pro se litigants to proceed together in one action. Accordingly, Rev. Calvin Warren is the sole plaintiff in this case.

should be granted if the affidavit sufficiently indicates the affiant cannot pay court costs and still provide the necessities of life for himself and his family. Adkins v. E. I. Du Pont De Nemours & Co., Inc., 335 U.S. 331, 339 (1948). “A district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.” Tripati v. First Nat’l Bank & Trust, 821 F.2d 1368, 1370 (9th Cir. 1987).

Warren alleges defendants violated his constitutional religious rights by putting technology into his body without his consent and refused to help him get a job. He seeks \$100 trillion in relief.

Warren’s allegations are fantastic, delusional, irrational, and frivolous. The Court is not aware of any statutory or constitutional authority that would authorize the granting of relief based on any discernible factual allegation in Warren’s pleading. Warren has alleged these same or similar facts in previous suits, which have been dismissed. He has a history of filing frivolous and vexatious litigation in this Court and in the District of Nevada. *See Warren v. George Bush, et. al.*, No. 2:08-CV-00016-KJD-PAL (D.Nev May 13, 2008); *Warren v. George Bush, et. al.*, No. 2:08-CV-00376-RLH-LRL (D.Nev

July 22, 2008); *Warren v. Billy Graham*, No. 2:07cv00599-KJD-GWF (D.Nev May 11, 2007).²

Therefore, the Motion to Proceed In Forma Pauperis should be denied. Because Plaintiff is not entitled to a ten-day period to object, this Order will be entered directly upon endorsement. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam). No motion for reconsideration will be entertained.

While the Court ordinarily gives litigants an opportunity to pay the \$350.00 filing fee, it should not do so in this case. Warren has a history of abusing the system and filing repetitive, frivolous lawsuits. Long before he filed this action, Warren knew, from his previous filings, he probably would not be permitted to proceed in forma pauperis.

Based on the foregoing, the Court **RECOMMENDS** the following Order be issued by Judge Cebull.

DATED this 3rd day of June, 2009



Carolyn S. Ostby
United States Magistrate Judge

²According to the U.S. Party/Case Index on PACER, Warren filed thirteen lawsuits in the District of Nevada between May 7, 2007 and July 25, 2008. Warren has filed nine cases in this District since November 13, 2008. He has not been granted permission to proceed in forma pauperis in any of those nine cases.

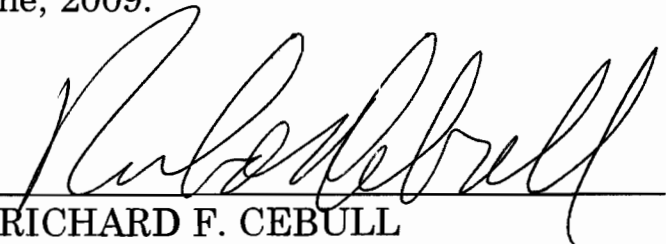
Based upon the above Recommendation by Judge Ostby, the Court issues the following:

ORDER

1. Warren's Motion to Proceed in Forma Pauperis (*Court's Doc. No. 1*) is **DENIED**.

2. Warren's Complaint shall be deemed **DISMISSED** and the Clerk of Court shall close the file.

DATED this 7th day of June, 2009.



RICHARD F. CEBULL
United States District Judge